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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,362	04/09/2004	Gary Fisher	35483US1	1194
116	7590	08/07/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			PELHAM, JOSEPH MOORE	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,362	Applicant(s) FISHER, GARY	
	Examiner Joseph M. Pelham	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The Examiner acknowledges Applicant's submission of the amendment filed

5/24/06. Claims 1-28 remain pending.

Claim Rejections - 35 USC § 103

Claims 1, 2, 5-7, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Appln. 2005/0173401 (US'401) in view of British Pat. 2,252,647 (GB'647) and US Pat. 6949723 (US'723).

US'401 discloses, at Figs. 1-4 and paragraphs. [0017] and [0021], a plurality of range top heating elements 402-408, a first range chamber heating means with bake and broil elements 410, 412, and a second range chamber comprising a warming drawer. US'401 does not explicitly disclose a central microprocessor for controlling all heating functions, and a warmer operating on a duty cycle. However, referring to Fig. 1, page 3, lines 2-23, and page 5, lines 21-26, especially, GB'647 discloses a central microprocessor 19 for controlling all heating functions in a range oven. It would have been obvious to adapt the CPU of GB'647 to the range of US'401 since GB'647 teaches such to improve power usage efficiency. And referring to col. 2, lines 31-39, US'723 discloses a warmer operating on a duty cycle. It would have been obvious to operate the warmer on a duty cycle since such simplifies the control device, and is shown by US'723 to be appropriate for a warming device.

Claims 3, 4, 8-15, and 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'401 in view of GB'647 and US'723, as applied to claims 1, 2, 5-7, 16, and 17 above, and further in view of US Pat. 6198080 (US'080).

The claims differ from US'401 in view of GB'647 and US'723 only in calling for a range top warming element, a bridge burner, and a glass capacitive touch pad operator interface. Referring to Figs. 1-3, col. 2, lines 3-14, and col. 3, lines 4-9, US'080 discloses a range top warming element 26, a bridge burner, and a glass capacitive touch pad operator interface. It would have been obvious to adapt the warming, bridge, and touch pad control means of US'080 to the range of US'401 in view of GB'647 and US'723, to enhance cooking versatility and convenience of operator control and cleaning.

Response to Arguments

Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground of rejection, US'723, disclosing the operation of a warming device with a duty cycle.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/14/06



JOSEPH PELHAM
PRIMARY EXAMINER